

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

F I L E D

Clerk's Office
USDC, Mass.

Date 10-5-04

By Deputy Clerk

WILLIAM SANTIAGO,)
Petitioner)
v.)
LOIS RUSSO, SUPERINTENDENT)
Respondent.)

Civil Action No. 04-11863-EFH

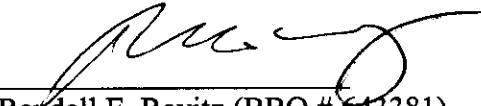
RESPONDENT'S MOTION TO DISMISS

Respondent Lois Russo, in her capacity as Superintendent of the Souza Baranowski Correctional Center (the "Respondent"), hereby moves this Court to dismiss the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (the "Petition") filed in connection with the above-captioned matter. The Petition is improper because attacks dispositions for which the Petitioner, William Santiago, is not currently incarcerated and has not been sentenced, and it fails to comply with applicable requirements concerning timing and exhaustion of state remedies. In further support of this Motion, the Respondent relies on and incorporates her Memorandum of Law filed herewith.

WHEREFORE, the Respondent respectfully requests that this Honorable Court dismiss the Petition entirely and with prejudice.

Respectfully submitted,

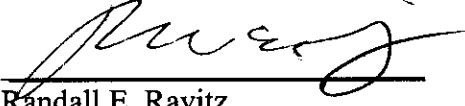
THOMAS F. REILLY
Attorney General


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Boston, Massachusetts 02108
(617) 727-2200, ext. 2852

Dated: October 5, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on William Santiago, *pro se*, S.B.C.C., P.O. Box 8000, Shirley, MA 01464, by first class mail, postage prepaid, on October 5, 2004.


Randall E. Ravitz